

**MINUTES
SPECIAL MEETING OF THE KENTUCKY BOARD OF CHIROPRACTIC
Friday, September 29, 2017
209 South Green Street
Glasgow, KY**

PRESENT: Mark Woodward, D.C., President
Frank Hideg, D.C., Vice-President
Terri Byers-Abston, D.C., Secretary
Michael Seibert, D.C., Member
Jeffery T. Smith, D.C., Member
Karalee P. Oldenkamp, D.C., Executive Director
M. Keith Poynter, Board General Counsel

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:00 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to approve the minutes of the July 14, 2017 board meeting.

ITEM II: FINANCIAL REPORTS

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to approve the financial reports for July and August 2017.

ITEM III: BOARD OFFICE REPORT

The Board reviewed the Board Office Report and a motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to contract with the Board of Physical Therapy for investigative services and to continue to budget for contracted investigative services in the FY1820 Budget Request. A second motion was made by Dr. Smith, seconded by Dr. Seibert and passed 5-0 to accept the Board Office Report.

ITEM IV: ADMINISTRATIVE CASE 14-011

An Administrative Complaint is being filed in this case.

ITEM V: ADMINISTRATIVE CASE 14-027

This case is continued.

ITEM VI: MOTION TO AMEND AGENDA

A motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to amend the agenda to allow Ben Weigel, attorney, to present information to the Board on behalf of his clients in administrative cases 17M-001, 17-027, 17-018 and 16-005.

ITEM VII: MOTION FOR CLOSED SESSION

A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to go into closed session to discuss administrative cases 17M-001, 17-027, 17-018 and 16-005 pursuant to KRS 61.810 (1)(j).

ITEM VIII: MOTION FOR OPEN SESSION

A motion was made by Dr. Abston, seconded by Dr. Smith and passed 5-0 to go into open session. A second motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to accept the recommendations of the Board for the following administrative cases: 17M-001 shall be dismissed; 17-027 no action taken; 17-018 the Board lowered the Agreed Order fine term to two thousand (\$2,000) dollars; 16-005 no action taken at this time.

ITEM IX: MOTION TO AMEND AGENDA

A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to amend the agenda to allow Nic Hart, attorney, to present information to the Board on behalf of his client, who was also in attendance, for administrative case 15-005.

ITEM X: MOTION FOR CLOSED SESSION

A motion was made by Dr. Abston, seconded by Dr. Smith and passed 5-0 to go into closed session to discuss administrative case 15-005 pursuant to KRS 61.810 (1)(j).

ITEM XI: MOTION FOR OPEN SESSION

A motion was made by Dr. Smith, seconded by Dr. Seibert and passed 5-0 to go into open session. A second motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to offer an amended Agreed Order for settlement of this case.

ITEM XII: MOTION TO RESUME AGENDA

A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to resume the agenda.

ITEM XIII: ADMINISTRATIVE CASE 15-037

An Administrative Complaint has been filed in this case.

ITEM XIV: ADMINISTRATIVE CASE 16-018

A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to have the contracted investigator meet with the witness in this case and prepare a report while moving forward to an Administrative Hearing.

ITEM XV: ADMINISTRATIVE CASE 17-017

The licensee was present at the meeting and was questioned by General Counsel concerning the facts of this case and the documents provided.

ITEM XVI: MOTION FOR CLOSED SESSION

A motion was made by Dr. Abston, seconded by Dr. Seibert and passed 5-0 to go into closed session to discuss administrative case 17-017 pursuant to KRS 61.810 (1)(j).

ITEM XVII: MOTION FOR OPEN SESSION

A motion was made by Dr. Hideg, seconded by Dr. Smith and passed 5-0 to go into open session. A second motion was made by Dr. Hideg, seconded by Dr. Smith and passed 5-0 to offer an Agreed Order for settlement of this case.

ITEM XVIII: ADMINISTRATIVE CASE 17-021

Upon review of the complaint and the licensee's response, a motion was made by Dr. Smith, seconded by Dr. Seibert and passed 5-0 to dismiss this case.

ITEM XIX: REGULATION AMENDMENTS

The Board reviewed correspondence from the Board of Occupational Therapy regarding spinal manipulation. A motion was made by Dr. Abston, seconded by Dr. Hideg and passed 5-0 to respond that spinal manipulation falls within the scope of practice for chiropractic, requiring training and licensure to diagnose, and include a copy of KRS 312.018. The Executive Director suggested enlisting an attorney specializing in regulatory language and updates to review all regulations for necessary updates. No action was taken at this time.

ITEM XX: CONSIDER CORRESPONDENCE FROM GRANGE INSURANCE

The Board reviewed a letter from Grange Insurance regarding suspected violations. A motion was made by Dr. Abston, seconded by Dr. Woodward and passed 5-0 to dismiss this case at this time until Grange is willing to share information necessary to move forward.

ITEM XXI: ADMINISTRATIVE CASE 17-023

Attorney Tricia Shackelford was present along with Drs. Pearce and Dr. Miller. Ms. Shackelford addressed the Board concerning this case and steps her clients were taking to establish their practice and come into compliance. Ms. Shackelford will send a letter to the Board outlining the discussion of today and progress made toward compliance. The Board also considered violation of the terms of Dr. Miller's Agreed Order. A motion was made by Dr. Seibert, seconded by Dr. Smith and passed 5-0 to have Board Counsel offer terms for settlement of this violation.

ITEM XXII: ADMINISTRATIVE CASE 17-025

Upon review of the complaint and the licensee's response, a motion was made by Dr. Abston, seconded by Dr. Smith and passed 5-0 to dismiss this case.

ITEM XXIII: ADMINISTRATIVE CASE 17-026

Upon review of the complaint and the licensee's response, a motion was made by Dr. Seibert, seconded by Dr. Abston and passed 5-0 to dismiss this case.

**ITEM XXIV: CONSIDER INFORMATION CONCERNING UNLICENSED PRACTICE
RE: ALAN BEE, D.C.**

The Board reviewed information concerning potential unlicensed practice along with a request for license reinstatement for Dr. Bee. A motion was made by Dr. Woodward, seconded by Dr. Abston and passed 5-0 to have Board Counsel and the Executive Director meet with the Department of Insurance and gather any pertinent information regarding this case to consider at the following meeting.

ITEM XXV: CONSIDER INFORMATION CONCERNING CRAIG BARTELT, D.C.

Upon review of the advertisement, and information gathered by board staff, a motion was made by Dr. Smith, seconded by Dr. Seibert and passed 5-0 to offer the licensee an agreed order for settlement of this case. If accepted, this will close the case.

ITEM XXVI: CONSIDER CORRESPONDENCE FROM VIC COOPER, D.C.

The Board reviewed correspondence from Dr. Cooper concerning doctors of chiropractic performing FAA physicals. A motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0 to inform CME that under Kentucky Workers Compensation and Medicare law, chiropractors are physicians.

ITEM XXVII: CONSIDER CORRESPONDENCE FROM
DONNA JANISSE-MCCARTHY, D.C.

The Board reviewed correspondence from Dr. Janisse-McCarthy concerning peer review continuing education. A motion was made by Dr. Hideg, seconded by Dr. Abston and passed 5-0 to inform Dr. Janisse-McCarthy that her request is denied.

ITEM XXVIII: CONSIDER CORRESPONDENCE FROM MOSEN KHANI, D.C.

The Board reviewed correspondence from Dr. Khani concerning doctors of chiropractic utilizing CBD products. A motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0 to inform you that you would need proper education on CBD to advise your patients or sell these products.

ITEM XXIX: SET FUTURE MEETING DATES

The Board did not set any future meeting dates at this time.

ITEM XXX: TRAVEL AND PER DIEM

A motion was made by Dr. Hideg, seconded by Dr. Seibert and passed 5-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XXXI: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Abston, seconded by Dr. Seibert and passed 5-0, the meeting was adjourned.

Respectfully submitted:

ATTESTED:

Karalee P. Oldenkamp, D.C.
Executive Director

Mark Woodward, D.C.
President